REMARKS

By this Amendment, claims 1, 2, 16, 32, 34, 49, 68, 78, 83, 85 and 96 are amended and new claim 99 is added. Accordingly, claims 1-99 are pending in this application. No new matter is added.

The Office Action rejects claims 2, 5, 32, 78, 83 and 96 under 35 U.S.C. §112, second paragraph, as indefinite. This rejection is respectfully traversed.

Claims 2, 5 and 83 are amended to delete the redundant claim language. Claim 78 is amended to delete the phrase "a substance, in particular" and the dependency of claim 96 is amended to provide proper antecedent basis.

Accordingly, it is respectfully submitted that claims 2, 5, 32, 78, 83 and 96 fully comply with 35 U.S.C. §112. Withdrawal of the rejection is respectfully requested.

The Office Action purportedly includes a rejection under 35 U.S.C. §102(e) based on U.S. Patent No. 6,491,041 to Okamoto. However, the purported rejection fails to identify any of the pending claims. Applicant is unable to effectively respond to this purported rejection other than to respectfully submit that the pending claims are believed to be patentable over Okamoto. The Examiner is respectfully requested to reconsider the pending claims in view of Okamoto.

The Office Action rejects claims 1-11, 13-28, 30-43, 45-62, 64-79 and 81-98 under 35 U.S.C. §102(b) over U.S. Patent No. 4,821,751 to Chen. This rejection is respectfully traversed.

Chen discloses a cosmetic case with detachable plates (housings) 1-4 that may be stacked on top pf each other and a closure lid 5 that may be stacked on the plates 1-4, as shown in Figure 1, 3 and 4, for example. However, the case according to Chen comprises only one lid 5 and does not teach or suggest a case comprising a container being added on the lid 5 of another container, as recited in independent claim 1. Further, Chen does not disclose

or suggest a container being fixed in a removable manner on a container immediately beneath it, as recited in independent claim 68.

Chen only discloses a case. Chen does not disclose a receptacle and a closure cap. Although the lid 5 arguably closes the case, the lid 5 does not comprise a closure cap as recited in independent claim 85. Moreover, the case cannot reasonably be considered to correspond to the closure cap because the case according to Chen is not configured to be removably fixed to a receptacle body, as recited in claim 85.

Contrary to the assertions in the Office Action, Chen does not disclose or suggest a device comprising hinges that are angularly offset around a stacking axis of a plurality of containers, as recited in independent claims 16, 34 and 49. All of the plates 2-4 and the lid 5 according to Chen are configured to pivotally engage an axle 13 on plate 1. Thus, as illustrated in Figure 3, Chen discloses that the structures that function as hinges are not angularly offset around a stacking axis, but are aligned along a same axis defined by the axle 13.

Therefore, Applicant respectfully submits that independent claims 1, 16, 34, 49, 68 and 85 are patentable over Chen. Claims 2-11, 13-15, 17-28, 30-33, 35-43, 45-48, 50-62, 64-67, 69-79, 81-84 and 86-98 are patentable over Chen at least on view of the patentability of claims1, 16, 34, 49, 68 and 85 from which they respectively depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1-7, 11-24, 28-38, 40, 43-57, 59, 62-76 and 78-95 under 35 U.S.C. §102(b) over U.S. Patent No. 5,699,925 to Petruzzi. This rejection is respectfully traversed.

Petruzzi discloses an interlocking stackable container storage system comprising a plurality of housings (hollow bodies) 16 that respectively define identical containers 10, 10a,

10b. The containers may be stacked upon each other, i.e., on top of a closure lid (lid top wall) 18 of a preceding (lower) container, as shown in Figure 1, for example.

Petruzzi does not disclose or suggest that at least one of the containers contains an applicator member, as recited in independent claim 1, or that at least the housing defined by the end container contains an applicator member, as recited in independent claim 68.

As illustrated in Figures 8 and 9 of Petruzzi, all of the hinges 42 are aligned on a same axis. Thus, Petruzzi does not disclose or suggest hinges that are angularly offset around a stacking axis of a plurality of containers, as recited in independent claims 16, 34 and 49.
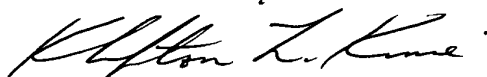
With respect to independent claim 85, Petruzzi suffers from the same deficiencies as Chen, discussed above. Further, because all of the containers according to Petruzzi are identical, Petruzzi cannot reasonably be considered to disclose or suggest a receptacle that is of a different shape than containers of a closure capsule, as recited in claim 85.

Therefore, Applicant respectfully submits that independent claims 1, 16, 34, 49, 68 and 85 are patentable over Petruzzi. Claims 2-7, 11-15, 17-24, 28-33, 35-38, 40, 43-48, 50-57, 59, 62-67, 69-76, 78-84 and 86-95 are patentable over Petruzzi at least on view of the patentability of claims1, 16, 34, 49, 68 and 85 from which they respectively depend, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-99 are earnestly solicited.

-16-

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Attachment:
    Amendment Transmittal

Date: April 20, 2006

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